IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.572 of 2006
Date of decision: December 14, 2006.

Parmodh Kumar Chadha & Ors.

...**Petitioner(s)**

v.

B.R. Bajaj & Ors.

...**Respondent(s)**

Present: Shri H.S. Gill, Senior Advocate with
Shri Ramesh Kumar Dhiman, Advocate, for the petitioners.

Shri G.S. Cheema, Sr. DAG, Punjab,
for respondents No.1 and 2.

Shri Rahul Sharma, Advocate, for respondent No.3.

Shri D.V. Sharma, Advocate, for respondent No.4.

Surya Kant, J. (Oral)

This contempt petition has been filed, *inter-alia*, alleging non-compliance of the directions contained in the judgment dated 20.11.2004 passed by this Court in CWP No.812 of 1983.

In response to the show cause, reply-affidavits have been filed by respondents No.1,3 and 4, which are taken on record.

There is no denial to the fact that seniority of the petitioners has been refixed and consequential retrospective promotion has also been granted to them. The resultant effect would that the petitioners shall be treated to have been promoted with effect from the dates as mentioned in para 2 of the affidavit of respondent No.1 for all intents and purposes.

As regard to the consequential benefits, namely, the arrears of

pay, it is explained that though a decision was taken by the competent authority to release the same, however, an audit objection has been raised to the effect that no specific direction has been issued by this court to release arrears of pay on account of consequential promotion of the petitioners. It is stated that due to the said audit objection, the respondents are unable to release the arrears of pay.

In the judgment dated 20.11.2004, this court has expressly directed that "if the petitioners are found otherwise suitable for promotion as per the rules, then the petitioners would be duly promoted with all consequential benefits available to them...".

Having regard to the aforesaid direction, I am of the considered view that once the petitioners have been found suitable for promotion and have been so promoted retrospectively, the arrears of pay being the consequential benefits which shall necessarily flow from the said judgment. The audit objection is, thus, untenable and contrary to the spirit of the judgment passed by this court.

Consequently, this petition is disposed of with a clarificatory direction that the arrears of pay shall also be admissible to the petitioners and the same be paid to them within a period of two months from today.

Rule discharged.

December 14, 2006. [**Surya Kant**]
kadyan **Judge**